

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In Re:

CIRCUIT CITY STORES, INC.,
et al.,

Debtors,

X

Chapter 11

Case No. 08-35653

Jointly Administered

X

January 2, 2009

MOTION FOR RELIEF FROM STAY

Plaintiff, William Foster, a creditor, by the undersigned counsel, states:

1. This Court has jurisdiction under 11 U.S.C. § 727 (a) (4) and 28 U.S.C. § 1334.

2. This motion in this adversary proceeding is based on 11 U.S.C. §362(d).

The Plaintiff/ Creditor, William Foster is a creditor of the debtor/ defendant, Circuit City Stores, Inc. and/or Circuit City Purchasing Company, LLC, in the above-entitled bankruptcy case.

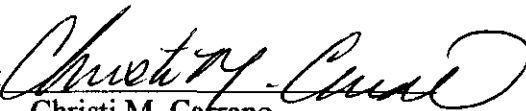
3. Prior to the commencement of the above-entitled bankruptcy case, the plaintiff had on, December 31, 2007, commenced a lawsuit entitled William Foster v. Circuit City Purchasing Company, LLC, et al., bearing Docket Number NNI CV 08 5002945, Judicial District of New Haven at Meriden, against the defendant for personal injuries the plaintiff suffered on June 19, 2006 at the Circuit City store located at 19 Universal Drive, North Haven, Connecticut. Attached hereto as Exhibit A.

4. The plaintiff claims injuries valued in excess of \$15,000.00. On November 10, 2008, the debtor, filed a bankruptcy petition in this Court.

5. The debtor was covered by a policy of insurance through Old Republic Insurance Company with policy limits in the amount of \$1,500,000.00, for the above date of loss.

WHEREFORE, the plaintiff respectfully requests that this Court grant him relief from the automatic stay pursuant to 11 U.S.C. 362 in order to allow him to pursue his lawsuit against the defendant.

WILLIAM FOSTER

By: 

Christi M. Carrano
Carrano & Carrano, L.L.C.
270 Quinnipiac Avenue
North Haven, CT 06473
Telephone Number (203) 787-4844
Facsimile Number (203) 787-4213
Fed. Bar No. CT 25707

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re:	X	
	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC.,	:	
<u>et al.</u> ,	:	Case No. 08-35653
	:	
Debtors,	:	Jointly Administered
	:	
	X	January 2, 2009

ORDER GRANTING AUTOMATIC RELIEF FROM STAY

The foregoing motion having been duly noticed, it is hereby ORDERED that:

The Plaintiff, William Foster, is hereby permitted to pursue a claim for personal injuries and related damages against the debtors, Circuit City Stores, Inc. and Circuit City Purchasing Company, LLC.

Dated: _____

BY THE COURT

, JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re:	X	
	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC.,	:	
<u>et al.</u> ,	:	Case No. 08-35653
	:	
Debtors,	:	Jointly Administered
	:	
	X	January 2, 2009

**NOTICE OF BAR DATE FOR OBJECTION TO ORDER OR
REQUEST FOR HEARING**

The undersigned (the "Movant") has filed the following documents:

- 1) Motion for Relief (the "contested matter") and;
- 2) A proposed Order;

A copy of each is attached to this notice.

PLEASE TAKE NOTICE that unless you file a written request for a hearing or a written objection to the contested matter and serve a copy on the undersigned Movant no later than **January 29, 2009** the proposed order may enter without a hearing or any further notice.

WILLIAM FOSTER



By: Christi M. Carrano, His Attorney
Carrano & Carrano, L.L.C.
270 Quinnipiac Avenue
North Haven, CT 06473
Telephone Number (203) 787-4844
Facsimile Number (203) 787-4213
Fed. Bar No. CT 2570

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re:	X	
	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC.,	:	
<u>et al.</u> ,	:	Case No. 08-35653
	:	
Debtors,	:	Jointly Administered
	:	
	X	January 2, 2009

NOTICE OF BAR DATE CERTIFICATION

This is to certify that on the above date a copy of the foregoing Motion for Relief from the Automatic Stay, proposed order, Notice of Bar Date for Objection to Order or Request for Hearing, Certification and accompanying Exhibits have been mailed to:

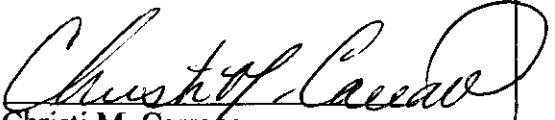
1. Attorney for the Debtor
Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
Skadden, Arps, Slate, Meagher & Flom, LLP
P.O. Box 636
Wilmington, DE 19899-0636

Dion W. Hayes
Douglas M. Foley
One James Center
901 E. Cary Street
Richmond, VA 23219

Chris L. Dickerson, Esq.
Skadden, Arps, Slate, Meagher & Flom, LLP
333 West Wacker Drive
Chicago, IL 60606

3. U.S. Bankruptcy Court
Clerk's Office
701 East Broad Street, Suite 400
Richmond, VA 23219

4. U.S. Trustee
701 E. Broad Street, Suite 4000
Richmond, VA 23219


Christi M. Carrano
Attorney at Law

SUMMONS - CIVIL
(Except Family Actions)

JD-CV-1 Rev. 1-2000
C.G.S. § 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs 3-1 thru 3-21, 8-1

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov

INSTRUCTIONS

1. Type or print legibly; sign original summons and conform all copies of the summons
2. Prepare or photocopy conformed summons for each defendant.
3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint
4. After service has been made by a proper officer, file original papers and officer's return with the clerk of court
5. The party recognized to pay costs must appear personally before the authority taking the recognizance.
6. Do not use this form for actions in which an attachment, garnishment or replevy is being sought. See Practice Book Section 8-1 for other exceptions.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint

"X" ONE OF THE FOLLOWING:
Amount, legal interest or property in demand, exclusive of interest and costs is:

☐ less than \$2,500
☐ \$2,500 through \$14,999.99
☒ \$15,000 or more

("X" if applicable)
☐ Claiming other relief in addition to or in lieu of money or damages.

RETURN DATE (Mo., day, yr.) 1/15/09
(Must be a Tuesday) 12/10/08

☒ JUDICIAL DISTRICT ☐ HOUSING SESSION ☐ G.A. NO. ☐ AT (Town in which writ is returnable) (C.G.S. 51-346, 51-349) **MERIDEN**

ADDRESS OF COURT CLERK WHERE WRIT AND OTHER PAPERS SHALL BE FILED (No., street, town and zip code) (C.G.S. 51-345, 51-350) **54 WEST MAIN STREET, MERIDEN, CT 06451**

CASE TYPE (See JD-CV-1c) Major **T** Minor **12**

TELEPHONE NO. (with area code) **203-238-6666**

PARTIES	NAME AND ADDRESS OF EACH PARTY (No., street, town and zip code)	NOTE: Individuals' names: Last, First, Middle Initial	<input type="checkbox"/> Form JD-CV-2 attached	PIY NO.
FIRST NAMED PLAINTIFF	FOSTER, WILLIAM, 87 MARTIN STREET, WEST HAVEN, CT 06516			01
Additional Plaintiff				02
FIRST NAMED DEFENDANT	CIRCUIT CITY PURCHASING COMPANY, LLC, 9950 MAYLAND DRIVE, RICHMOND, VA 23233, C/O AGENT FOR SERVICE CORPORATION SERVICE COMPANY, 50 WESTON STREET, HARTFORD, CT 06120-1537.			50
Additional Defendant	AUTOMATIC DOOR SYSTEMS, INC., 36 CAPITAL DRIVE, WALLINGFORD, CT 06492, C/O AGENT FOR SERVICE RICHARD L. GOLDBLATT, 60 WASHINGTON AVENUE, HAMDEN, CT 06518			51
Additional Defendant				52
Additional Defendant				53

NOTICE TO EACH DEFENDANT

1. YOU ARE BEING SUED.
2. This paper is a Summons in a lawsuit.
3. The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
4. To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
5. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
6. The "Appearance" form may be obtained at the above Court address.
7. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
8. If you have questions about the Summons and Complaint, you should consult an attorney promptly. The Clerk of Court is not permitted to give advice on legal questions.

DATE 11/13/07 SIGNED (Sign and "X" proper box) *Christina M. Carrano* ☒ Comm. of Superior Court TYPE IN NAME OF PERSON SIGNING AT LEFT **CHRISTINA M. CARRANO**

FOR THE PLAINTIFF(S) PLEASE ENTER THE APPEARANCE OF:

NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code) **CARRANO & CARRANO, L.L.C., 270 QUINNIPIAC AVENUE, NORTH HAVEN, CT 06473** TELEPHONE NUMBER **203-787-4844** JURIS NO. (If atty. or law firm) **422431**

NAME AND ADDRESS OF PERSON RECOGNIZED TO PROSECUTE IN THE AMOUNT OF \$250 (No., street, town and zip code) **JENNIFER KOERLIN, 270 QUINNIPIAC AVE., NORTH HAVEN, CT 06473** SIGNATURE OF PLAINTIFF IF PRO SE

PLFS. **1** # DEFS. **2** # CNTS. **2** SIGNED (Official taking recognizance) ("X" proper box) *Christina M. Carrano* ☒ Comm. of Superior Court ☐ Assistant Clerk

IF THIS SUMMONS IS SIGNED BY A CLERK:

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof.

I hereby certify I have read and understand the above: *Joseph M. Doudra* DATE SIGNED **DEC 3 1 2007**

DOCKET NO. **CV08 5002945**

ORIGINAL

January 15, 2008

RETURN DATE: ~~DECEMBER 18, 2007~~ : SUPERIOR COURT

WILLIAM FOSTER : JUDICIAL DISTRICT OF NEW HAVEN

VS. : AT MERIDEN

CIRCUIT CITY PURCHASING : NOVEMBER 13, 2007
COMPANY, LLC, ET AL.

COMPLAINT

FIRST COUNT (As to the Defendant, Circuit City Purchasing Company, LLC)

1. On or about June 19, 2006, and for some time prior thereto, there existed on 19 Universal Drive, North Haven, Connecticut, a store known as Circuit City.
2. At all relevant times, the defendant, Circuit City Purchasing Company, LLC, was the owner of the store commonly known as Circuit City.
3. At all relevant times, the defendant, Circuit City Purchasing Company, LLC, operated the business Circuit City.
4. At said time, the defendant, Circuit City Purchasing Company, LLC, was a limited liability company doing business in the State of Connecticut.
5. At all times mentioned herein, the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, was a business that invited the public to enter thereon.
6. At all times mentioned herein, the premises were under the defendant, Circuit City Purchasing Company, LLC's, exclusive possession and control.

7. On or about June 19, 2006, at approximately 1:39 p.m., the plaintiff, William Foster, was a business invitee of Circuit City Purchasing Company, LLC, d/b/a Circuit City.

8. On said date and time, as the plaintiff was exiting the store, the automatic door failed to fully open and the plaintiff, William Foster, was caused to strike his head on said door, causing him injuries.

9. Said occurrence was due to the negligence and/or carelessness of the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, in any one or more of the following ways:

- a) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, caused, allowed and/or permitted said door to be and remain in a hazardous and dangerous condition in that it did not open and close properly;
- b) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, failed to inspect said door with sufficient frequency to discover and/or rectify said hazardous and dangerous condition;
- c) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, knew, or in the exercise of reasonable care and inspection, should have known of said hazardous and dangerous condition, but failed to take necessary measures to remedy said condition;
- d) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, knew of said hazardous and dangerous condition, and despite their knowledge, failed to take necessary measures to remedy said condition;
- e) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, failed to warn the plaintiff of the dangerous condition, then and there existing, by placing warning signs and or other devices on or near the door;

f) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, created the dangerous and defective condition.

10. As a result of the negligence of the defendant and of said occurrence, the plaintiff sustained the following injuries, some of which may be permanent:

- a) Laceration to his head above his right eyebrow;
- b) He was forced to get stitches;
- c) He was forced to get a tetanus shot.

11. As a further result of said injuries, the plaintiff's ability to participate in his normal activities and engagements was impaired and he has been unable to fully enjoy life's daily, social, and recreational activities.

12. As a further result, the plaintiff, William Foster, was obliged to incur medical expenses for medical care and attention and emergency room treatment, and he may or will in the future, be obliged to incur additional expenses of a similar nature.

13. As a further result, the plaintiff, William Foster, was caused to miss time from work, resulting in claim for lost wages.

SECOND COUNT (As to the Defendant, Automatic Door Systems, Inc.)

1. On or about June 19, 2006, and for some time prior thereto, there existed on 19 Universal Drive, North Haven, Connecticut, a store known as Circuit City.

2. At all relevant times, the defendant, Circuit City Purchasing Company, LLC, was the owner of the store commonly known as Circuit City.

3. At all times herein mentioned, the defendant, Automatic Door Systems, Inc., is a corporation organized under the laws of the State of Connecticut.

4. At all times herein mentioned, the defendant, Automatic Door Systems, Inc., is a corporation licensed to transact business in the State of Connecticut.

5. On or about June 19, 2006, the defendant, Automatic Door Systems, Inc., was responsible for the service, maintenance and/or repair of the automatic entrance and exit doors at the Circuit City store located at 19 Universal Drive, North Haven, Connecticut.

6. On or about June 19, 2006, the defendant, Automatic Door Systems, Inc., was in control of the automatic entrance and exit doors at the Circuit City store located at 19 Universal Drive, North Haven, Connecticut.

7. On or about June 19, 2006, at approximately 1:39 p.m., the plaintiff, William Foster, was a business invitee of Circuit City Purchasing Company, LLC, d/b/a Circuit City.

8. On said date and time, as the plaintiff was exiting the store, the automatic door failed to fully open and the plaintiff, William Foster, was caused to strike his head on said door, causing him injuries.

9. Said occurrence was due to the negligence and/or carelessness of the defendant, Automatic Door Systems, Inc., in any one or more of the following ways:

- a) IN THAT the defendant, Automatic Door Systems, Inc., caused, allowed and/or permitted said door to be and remain in a hazardous and dangerous condition in that it did not open and close properly;
- b) IN THAT the defendant, Automatic Door Systems, Inc., failed to inspect said door with sufficient frequency to discover and/or rectify said hazardous and dangerous condition;
- c) IN THAT the defendant, Automatic Door Systems, Inc., knew, or in the exercise of reasonable care and inspection, should have known of said hazardous and dangerous condition, but failed to take necessary measures to remedy said condition;
- d) IN THAT the defendant, Automatic Door Systems, Inc., knew of said hazardous and dangerous condition, and despite their knowledge, failed to take necessary measures to remedy said condition;
- e) IN THAT the defendant, Automatic Door Systems, Inc., failed to warn the plaintiff of the dangerous condition, then and there existing, by placing warning signs and or other devices on or near the door;
- f) IN THAT the defendant, Automatic Door Systems, Inc., created the dangerous and defective condition.

10. As a result of the negligence of the defendant and of said occurrence, the plaintiff sustained the following injuries, some of which may be permanent:

- a) Laceration to his head above his right eyebrow;
- b) He was forced to get stitches;

c) He was forced to get a tetanus shot.

11. As a further result of said injuries, the plaintiff's ability to participate in his normal activities and engagements was impaired and he has been unable to fully enjoy life's daily, social, and recreational activities.

12. As a further result, the plaintiff, William Foster, was obliged to incur medical expenses for medical care and attention and emergency room treatment, and he may or will in the future, be obliged to incur additional expenses of a similar nature.

13. As a further result, the plaintiff, William Foster, was caused to miss time from work, resulting in claim for lost wages.

WHEREFORE, the Plaintiff, William Foster, claims damages within the jurisdiction of the Superior Court.

Hereof fail not, but of this writ, with your doings thereon, make due service and return according to law.

Dated at North Haven, Connecticut this 13th day of November, 2007.

THE PLAINTIFF

BY: 

CHRISTIN M. CARRANO
Carrano & Carrano, L.L.C.
270 Quinnipiac Avenue
North Haven, CT 06473
(203) 787-4844
Juris No. 422431

January 15, 2008
RETURN DATE: ~~DECEMBER 18, 2007~~ : SUPERIOR COURT
WILLIAM FOSTER : JUDICIAL DISTRICT OF NEW HAVEN
VS. : AT MERIDEN
CIRCUIT CITY PURCHASING : NOVEMBER 13, 2007
COMPANY, LLC, ET AL.

STATEMENT RE: AMOUNT IN DEMAND

The amount in demand, exclusive of interest and costs, is in excess of
FIFTEEN THOUSAND (\$15,000.00) Dollars.

THE PLAINTIFF

BY:

Christy M. Carrano
CHRISTIM. CARRANO
Carrano & Carrano, L.L.C.
270 Quinnipiac Avenue
North Haven, CT 06473
(203) 787-4844
Juris No. 422431

OFFICER'S RETURN

STATE OF CONNECTICUT)

) SS: Wallingford

December 18, 2007

COUNTY OF NEW HAVEN)

Then and there by virtue hereof, of this original Writ, Summons and Complaint, I served the within named defendant, **Automatic Door Systems, Inc.**, by leaving with and in the hands of said defendant, accepted by Debbie Stannick, Office Manager, and person in charge of the office and principal place of business at time of service at: 36 Capital Drive, Wallingford, CT, a true and attested copy hereof, with my endorsement thereon.

And afterwards, on the 18th day of December, 2007, in the City of Hartford, County of Hartford, State of Connecticut, I served the within named defendant, **Circuit City Purchasing Company, LLC**, by leaving with and in the hands of said defendant's Registered Agent, Corporation Service Company, 50 Weston Street, Hartford, CT, a true and attested copy hereof, with my endorsement thereon.

The within and foregoing is the original Writ, Summons and Complaint, with my doings thereon endorsed.

ATTEST: 

MARK J. WHITE, STATE MARSHAL
NEW HAVEN COUNTY

FEES:

Travel	\$ 48.00
Service	60.00
Copies	18.00
Endorse	<u>2.80</u>
	\$128.80

SUMMONS - CIVIL

(Except Family Actions)

JD-CV-1 Rev. 1-2000

C.G.S. § 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs 3-1 thru 3-21, 8-1

Document Page 17 of 31

SUPERIOR COURT

www.jud.ct.gov

INSTRUCTIONS

1. Type or print legibly; sign original summons and conform all copies of the summons.
2. Prepare or photocopy conformed summons for each defendant.
3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
4. After service has been made by a proper officer, file original papers and officer's return with the clerk of court.
5. The party recognized to pay costs must appear personally before the authority taking the recognizance.
6. Do not use this form for actions in which an attachment, garnishment or replevy is being sought. See Practice Book Section 8-1 for other exceptions.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

"X" ONE OF THE FOLLOWING:
Amount, legal interest or property in demand, exclusive of interest and costs is:

- ☐ less than \$2,500
☐ \$2,500 through \$14,999.99
☒ \$15,000 or more

("X" if applicable)

☐ Claiming other relief in addition to or in lieu of money or damages.

RETURN DATE (Mo., day, yr.)

(Must be a Tuesday) 5/27/08

☒ JUDICIAL DISTRICT☐ HOUSING SESSION☐ G.A. NO.

AT (Town in which writ is returnable) (C.G.S. 51-346, 51-349)

MERIDEN

CASE TYPE (See JD-CV-1c)

Major T Minor 12

ADDRESS OF COURT CLERK WHERE WRIT AND OTHER PAPERS SHALL BE FILED (No., street, town and zip code) (C.G.S. 51-346, 51-350)

54 WEST MAIN STREET, MERIDEN, CT 06451

TELEPHONE NO. (with area code)

203-238-6666

PARTIES	NAME AND ADDRESS OF EACH PARTY (No., street, town and zip code)	NOTE: Individuals' Names: Last, First, Middle Initial	<input type="checkbox"/> Form JD-CV-2 attached	PTY NO.
FIRST NAMED PLAINTIFF	FOSTER, WILLIAM, 87 MARTIN STREET, WEST HAVEN, CT 06516			01
Additional Plaintiff				02
FIRST NAMED DEFENDANT	CIRCUIT CITY STORES, INC., 444 CONNECTICUT AVENUE, NORWALK, CT 06854, C/O AGENT FOR SERVICE THE PRENTICE-HALL CORPORATION SYSTEM, INC., 50 WESTON STREET, HARTFORD, CT 06120			50
Additional Defendant				51
Additional Defendant				52
Additional Defendant				53

NOTICE TO EACH DEFENDANT

1. YOU ARE BEING SUED.
2. This paper is a Summons in a lawsuit.
3. The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
4. To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
5. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
6. The "Appearance" form may be obtained at the above Court address.
7. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
8. If you have questions about the Summons and Complaint, you should consult an attorney promptly. The Clerk of Court is not permitted to give advice on legal questions.

DATE 4/30/08 SIGNED (Sign and "X" proper box) *Christi M. Carrano* ☒ Comm. of Superior Court ☐ Assistant Clerk TYPE IN NAME OF PERSON SIGNING AT LEFT CHRISTI M. CARRANO

FOR THE PLAINTIFF(S) PLEASE ENTER THE APPEARANCE OF:

NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code) CARRANO & CARRANO, L.L.C., 270 QUINNIPIAC AVE., NORTH HAVEN, CT 06473 TELEPHONE NUMBER 203-787-4844 JURIS NO. (if any, or law firm) 422431

NAME AND ADDRESS OF PERSON RECOGNIZED TO PROSECUTE IN THE AMOUNT OF \$250 (No., street, town and zip code) JENNIFER KOERLIN, 270 QUINNIPIAC AVE., NORTH HAVEN, CT 06473 SIGNATURE OF PLAINTIFF IF PRO SE *Christi M. Carrano* ☒ Comm. of Superior Court ☐ Assistant Clerk

IF THIS SUMMONS IS SIGNED BY A CLERK:

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof.

I hereby certify I have read and understand the above:

SIGNED (Pro Se Plaintiff)

DATE SIGNED

DOCKET NO.

ORIGINAL

RETURN DATE: 5/27/08

DOCKET NO: NNI CV 08 5002945 S : SUPERIOR COURT
WILLIAM FOSTER : JUDICIAL DISTRICT OF NEW HAVEN
VS. : AT MERIDEN
CIRCUIT CITY PURCHASING : APRIL 30, 2008
COMPANY, LLC, ET AL.

COMPLAINT

FIRST COUNT (As to the Defendant, Circuit City Purchasing Company, LLC)

1. On or about June 19, 2006, and for some time prior thereto, there existed on 19 Universal Drive, North Haven, Connecticut, a store known as Circuit City
2. At all relevant times, the defendant, Circuit City Purchasing Company, LLC, was the owner of the store commonly known as Circuit City.
3. At all relevant times, the defendant, Circuit City Purchasing Company, LLC, operated the business Circuit City.
4. At said time, the defendant, Circuit City Purchasing Company, LLC, was a limited liability company doing business in the State of Connecticut.
5. At all times mentioned herein, the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, was a business that invited the public to enter thereon.

6. At all times mentioned herein, the premises were under the defendant, Circuit City Purchasing Company, LLC's, exclusive possession and control.

7. On or about June 19, 2006, at approximately 1:39 p.m., the plaintiff, William Foster, was a business invitee of Circuit City Purchasing Company, LLC, d/b/a Circuit City.

8. On said date and time, as the plaintiff was exiting the store, the automatic door failed to fully open and the plaintiff, William Foster, was caused to strike his head on said door, causing him injuries.

9. Said occurrence was due to the negligence and/or carelessness of the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, in any one or more of the following ways:

- a) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, caused, allowed and/or permitted said door to be and remain in a hazardous and dangerous condition in that it did not open and close properly;
- b) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, failed to inspect said door with sufficient frequency to discover and/or rectify said hazardous and dangerous condition;
- c) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, knew, or in the exercise of reasonable care and inspection, should have known of said hazardous and dangerous condition, but failed to take necessary measures to remedy said condition;
- d) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, knew of said hazardous and dangerous condition, and despite their knowledge, failed to take necessary measures to remedy said condition;

- e) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, failed to warn the plaintiff of the dangerous condition, then and there existing, by placing warning signs and or other devices on or near the door;
- f) IN THAT the defendant, Circuit City Purchasing Company, LLC, d/b/a Circuit City, created the dangerous and defective condition.

10. As a result of the negligence of the defendant and of said occurrence, the plaintiff sustained the following injuries, some of which may be permanent:

- a) Laceration to his head above his left eyebrow;
- b) He was forced to get stitches;
- c) He was forced to get a tetanus shot.

11. As a further result of said injuries, the plaintiff's ability to participate in his normal activities and engagements was impaired and he has been unable to fully enjoy life's daily, social, and recreational activities.

12. As a further result, the plaintiff, William Foster, was obliged to incur medical expenses for medical care and attention and emergency room treatment, and he may or will in the future, be obliged to incur additional expenses of a similar nature.

13. As a further result, the plaintiff, William Foster, was caused to miss time from work, resulting in claim for lost wages.

SECOND COUNT (As to the Defendant, Automatic Door Systems, Inc.)

1. On or about June 19, 2006, and for some time prior thereto, there existed on 19 Universal Drive, North Haven, Connecticut, a store known as Circuit City.

2. At all relevant times, the defendant, Circuit City Purchasing Company, LLC, was the owner of the store commonly known as Circuit City.

3. At all times herein mentioned, the defendant, Automatic Door Systems, Inc., is a corporation organized under the laws of the State of Connecticut.

4. At all times herein mentioned, the defendant, Automatic Door Systems, Inc., is a corporation licensed to transact business in the State of Connecticut.

5. On or about June 19, 2006, the defendant, Automatic Door Systems, Inc., was responsible for the service, maintenance and/or repair of the automatic entrance and exit doors at the Circuit City store located at 19 Universal Drive, North Haven, Connecticut.

6. On or about June 19, 2006, the defendant, Automatic Door Systems, Inc., was in control of the automatic entrance and exit doors at the Circuit City store located at 19 Universal Drive, North Haven, Connecticut.

7. On or about June 19, 2006, at approximately 1:39 p.m., the plaintiff, William Foster, was a business invitee of Circuit City Purchasing Company, LLC, d/b/a Circuit City.

8. On said date and time, as the plaintiff was exiting the store, the automatic door failed to fully open and the plaintiff, William Foster, was caused to strike his head on said door, causing him injuries.

9. Said occurrence was due to the negligence and/or carelessness of the defendant, Automatic Door Systems, Inc., in any one or more of the following ways:

- a) IN THAT the defendant, Automatic Door Systems, Inc., caused, allowed and/or permitted said door to be and remain in a hazardous and dangerous condition in that it did not open and close properly;
- b) IN THAT the defendant, Automatic Door Systems, Inc., failed to inspect said door with sufficient frequency to discover and/or rectify said hazardous and dangerous condition;
- c) IN THAT the defendant, Automatic Door Systems, Inc., knew, or in the exercise of reasonable care and inspection, should have known of said hazardous and dangerous condition, but failed to take necessary measures to remedy said condition;
- d) IN THAT the defendant, Automatic Door Systems, Inc., knew of said hazardous and dangerous condition, and despite their knowledge, failed to take necessary measures to remedy said condition;
- e) IN THAT the defendant, Automatic Door Systems, Inc., failed to warn the plaintiff of the dangerous condition, then and there existing, by placing warning signs and or other devices on or near the door;
- f) IN THAT the defendant, Automatic Door Systems, Inc., created the dangerous and defective condition.

10. As a result of the negligence of the defendant and of said occurrence, the plaintiff sustained the following injuries, some of which may be permanent:

- a) Laceration to his head above his left eyebrow;
- b) He was forced to get stitches;
- c) He was forced to get a tetanus shot.

11. As a further result of said injuries, the plaintiff's ability to participate in his normal activities and engagements was impaired and he has been unable to fully enjoy life's daily, social, and recreational activities.

12. As a further result, the plaintiff, William Foster, was obliged to incur medical expenses for medical care and attention and emergency room treatment, and he may or will in the future, be obliged to incur additional expenses of a similar nature.

13. As a further result, the plaintiff, William Foster, was caused to miss time from work, resulting in claim for lost wages.

THIRD COUNT (As to the Defendant, Airlock Door Controls)

1. On or about June 19, 2006, and for some time prior thereto, there existed on 19 Universal Drive, North Haven, Connecticut, a store known as Circuit City.

2. At all relevant times, the defendant, Circuit City Purchasing Company, LLC, was the owner of the store commonly known as Circuit City.

3. At all times herein mentioned, the defendant, Airlock Door Controls, is a corporation licensed to transact business in the State of Connecticut.

4. On or about June 19, 2006, the defendant, Airlock Door Controls, was responsible for the service, maintenance and/or repair of the automatic entrance and exit doors at the Circuit City store located at 19 Universal Drive, North Haven, Connecticut.

5. On or about June 19, 2006, the defendant, Airlock Door Controls, was in control of the automatic entrance and exit doors at the Circuit City store located at 19 Universal Drive, North Haven, Connecticut.

6. On or about June 19, 2006, at approximately 1:39 p.m., the plaintiff, William Foster, was a business invitee of Circuit City Purchasing Company, LLC, d/b/a Circuit City.

7. On said date and time, as the plaintiff was exiting the store, the automatic door failed to fully open and the plaintiff, William Foster, was caused to strike his head on said door, causing him injuries.

8. Said occurrence was due to the negligence and/or carelessness of the defendant, Airlock Door Controls, in any one or more of the following ways:

- a) IN THAT the defendant, Airlock Door Controls, , caused, allowed and/or permitted said door to be and remain in a hazardous and dangerous condition in that it did not open and close properly;

- b) IN THAT the defendant, Airlock Door Controls, failed to inspect said door with sufficient frequency to discover and/or rectify said hazardous and dangerous condition;
- c) IN THAT the defendant, Airlock Door Controls, knew, or in the exercise of reasonable care and inspection, should have known of said hazardous and dangerous condition, but failed to take necessary measures to remedy said condition;
- d) IN THAT the defendant, Airlock Door Controls, knew of said hazardous and dangerous condition, and despite their knowledge, failed to take necessary measures to remedy said condition;
- e) IN THAT the defendant, Airlock Door Controls, failed to warn the plaintiff of the dangerous condition, then and there existing, by placing warning signs and or other devices on or near the door;
- f) IN THAT the defendant, Airlock Door Controls, created the dangerous and defective condition.

10. As a result of the negligence of the defendant and of said occurrence, the plaintiff sustained the following injuries, some of which may be permanent:

- a) Laceration to his head above his left eyebrow;
- b) He was forced to get stitches;
- c) He was forced to get a tetanus shot.

11. As a further result of said injuries, the plaintiff's ability to participate in his normal activities and engagements was impaired and he has been unable to fully enjoy life's daily, social, and recreational activities.

12. As a further result, the plaintiff, William Foster, was obliged to incur medical expenses for medical care and attention and emergency room treatment, and he may or will in the future, be obliged to incur additional expenses of a similar nature.

13. As a further result, the plaintiff, William Foster, was caused to miss time from work, resulting in claim for lost wages.

FOURTH COUNT (As to the Defendant, Circuit City Stores, Inc.)

1. On or about June 19, 2006, and for some time prior thereto, there existed on 19 Universal Drive, North Haven, Connecticut, a store known as Circuit City.

2. At all relevant times, the defendant, Circuit City Stores, Inc., was the owner of the store commonly known as Circuit City.

3. At all relevant times, the defendant, Circuit City Stores, Inc., operated the business Circuit City.

4. At said time, the defendant, Circuit City Stores, Inc., was a corporation organized and existing under the laws of the State of Connecticut, with a principle place of business located at 444 Connecticut Avenue, Norwalk, Connecticut.

5. At said time, the defendant, Circuit City Stores, Inc., was a corporation doing business in the State of Connecticut.

6. At all times mentioned herein, the defendant, Circuit City Stores, Inc., was a business that invited the public to enter thereon.

7. At all times mentioned herein, the premises were under the defendant, Circuit City Stores, Inc.'s, exclusive possession and control.

8. On or about June 19, 2006, at approximately 1:39 p.m., the plaintiff, William Foster, was a business invitee of Circuit City Stores, Inc., d/b/a Circuit City.

9. On said date and time, as the plaintiff was exiting the store, the automatic door failed to fully open and the plaintiff, William Foster, was caused to strike his head on said door, causing him injuries.

10. Said occurrence was due to the negligence and/or carelessness of the defendant, Circuit City Stores, Inc., d/b/a Circuit City, in any one or more of the following ways:

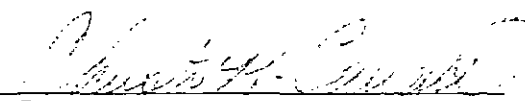
- a) IN THAT the defendant, Circuit City Stores, Inc., d/b/a Circuit City, caused, allowed and/or permitted said door to be and remain in a hazardous and dangerous condition in that it did not open and close properly;
- b) IN THAT the defendant, Circuit City Stores, Inc., d/b/a Circuit City, failed to inspect said door with sufficient frequency to discover and/or rectify said hazardous and dangerous condition;
- c) IN THAT the defendant, Circuit City Stores, Inc., d/b/a Circuit City, knew, or in the exercise of reasonable care and inspection, should have known of said hazardous and dangerous condition, but failed to take necessary measures to remedy said condition;

WHEREFORE, the Plaintiff, William Foster, claims damages within the jurisdiction of the Superior Court.

Hereof fail not, but of this writ, with your doings thereon, make due service and return according to law.

Dated at North Haven, Connecticut this 30th day of April, 2008.

THE PLAINTIFF

BY: 

CHRISTI M. CARRANO
Carrano & Carrano, L.L.C.
270 Quinnipiac Avenue
North Haven, CT 06473
(203) 787-4844
Juris No. 422431

RETURN DATE: 5/27/08

DOCKET NO: NNI CV 08 5002945 S : SUPERIOR COURT
WILLIAM FOSTER : JUDICIAL DISTRICT OF NEW HAVEN
VS. : AT MERIDEN
CIRCUIT CITY PURCHASING : APRIL 30, 2008
COMPANY, LLC, ET AL.

STATEMENT RE: AMOUNT IN DEMAND

The amount in demand, exclusive of interest and costs, is in excess of
FIFTEEN THOUSAND (\$15,000.00) Dollars.

THE PLAINTIFF

BY: 

CHRISTY M. CARRANO
Carrano & Carrano, L.L.C.
270 Quinnipiac Avenue
North Haven, CT 06473
(203) 787-4844
Juris No. 422431

DOCKET NO.: NNI CV 08 5002945 S : SUPERIOR COURT
WILLIAM FOSTER : JUDICIAL DISTRICT OF NEW HAVEN
V. : AT MERIDEN
CIRCUIT CITY PURCHASING COMPANY ET AL.: APRIL 14, 2008

MOTION TO CITE IN PARTY DEFENDANT

The Plaintiff, William Foster, by and through his counsel, hereby moves this court to allow said plaintiff to cite in as a party defendant, Circuit City Stores, Inc. The reasons are fully set out in the attached Memorandum of Law in support of the plaintiff's Motion to Cite In Party Defendant.

THE PLAINTIFF

By *Christi M. Carrano*
Christi M. Carrano, His Attorney
CARRANO & CARRANO, L.L.C.
270 Quinnipiac Avenue
North Haven, Connecticut 06473
(203) 787-4844
Juris Number: 422431

ORAL ARGUMENT NOT REQUESTED
TESTIMONY NOT REQUESTED

Judicial District of New Haven at Meriden
SUPERIOR COURT
FILED
APR 15 2008
JOSEPH M. DUDRA
CHIEF CLERK

118

STATE OF CONNECTICUT}

} SS HARTFORD, MAY 5, 2008

COUNTY OF HARTFORD }

Then and by virtue hereof, on the 5th day of May, 2008, and by the direction of the plaintiff's attorney, I made due and legal service on the within named defendant, **CIRCUIT CITY STORES, INC.**, by leaving a verified true and attested copy of the within original **Writ, Summons, Complaint, Statement Re: Amount In Demand, Motion To Cite In Party Defendant and Order**, with and in the hands of Luz Marquis, Special Assistant for Prentice-Hall Corporation System, **Agent For Service** for said defendant, at 50 Weston Street, in the City of Hartford.

The within is the original **Writ, Summons, Complaint, Statement Re: Amount In Demand, Motion To Cite In Party Defendant and Order**, with my doings hereon endorsed.

FEES:

Pages	\$ 16.00
Endorsements	2.00
Service	30.00
Travel	5.05
Total	\$ 53.05

ATTEST:

Nancy F. Marino
NANCY F. MARINO
STATE MARSHAL
HARTFORD COUNTY